

## BOARD OF SELECTMEN

Minutes of the Meeting of 28 March 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Kopko, Catherine Flanagan Stover and Whiting Willauer. Chairman Willauer called the meeting to order at 6:50 PM following a meeting of the County Commission.

Announcements. Town Administrator C. Elizabeth Gibson noted that upcoming committee openings will soon be advertised and posted on the Town's website.

Public Comment. John McLaughlin thanked retiring Selectmen Bennett and Stover for their time and service.

Approval of Minutes of 13 March 2007 at 4:00 PM, 7 March 2007 at 6:00 PM, 28 February 2007 at 6:00 PM and 21 February 2007 at 6:00 PM. The Board approved the minutes by unanimous consent. Mr. Kopko abstained, noting that he was absent for the meetings.

Approval of Payroll Warrant for Week Ending March 25, 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 28 March 2007. The Board approved the treasury warrant and pending contracts by unanimous consent following a discussion on a change order of \$125,000 for CC Construction, Inc, for work on a sewer rehab project required due to inaccuracy in "as-built" drawings. DPW Director Jeff Willett advised that reimbursement for the amount will be sought from National Grid, which had supplied the inaccurate plans. Mr. Bennett moved to approve the treasury warrant and pending contracts. Ms. Stover seconded. So voted unanimously.

### Citizen/Departmental Requests

1. Finance Department: Request for Approval for Short-Term Borrowing. Town Treasurer Debbie Weiner explained the request and its specifics. Mr. Chadwick moved that the Treasurer of the Town of Nantucket be authorized to borrow the sum of \$4,900,000 from Nantucket Bank at a rate of 7.25% to be paid within 45 days from the date of the note and that Deborah J. W. Weiner, Treasurer, is hereby authorized, directed and empowered to execute all required documents needed on behalf of the Town of Nantucket. Mr. Kopko seconded. So voted unanimously with Ms. Stover recusing herself.

2. Nantucket Land Council: Request for Execution of Conservation Restriction by Linda Loring for Premises Located at 90 Eel Point Road. Nantucket Land Council Executive Director Cormac Collier provided background information and spoke in support of the restriction of 264 acres between Eel Point Road and Madaket Road and a related restriction for 110 Eel Point Road. He noted public support regarding the encumbrance of acreage in conjunction with a second proposed conservation restriction by the Linda Loring Nature Foundation for abutting land. Discussion followed on access for public safety purposes. Mr. Kopko moved to approve and execute this restriction and a second conservation restriction for 110 Eel Point Road as they are in the public interest. Ms. Stover seconded. So voted unanimously.

Mr. Collier credited Nantucket Land Council Associate Director Lynn Zimmerman for her work in bringing these restrictions forward.

3. Nantucket Land Council: Request for Execution of Conservation Restriction by Linda Loring Nature Foundation for Premises Located at 110 Eel Point Road. (This matter for the restriction of approximately 5.9 acres shown as Lot 2 on Land Court Plan 16211-E. was addressed above in conjunction with the other of the two restrictions.)

#### Public Hearings

1. Public Hearing to Determine Tax Allocation by Classification (Chapter 369, Acts of 1982 as Amended) and Percentage, If Any, of Residential Exemption to be Granted for Fiscal Year 2007. Chairman Willauer opened the public hearing. Assessor Deborah Dilworth described the time-consuming triennial valuation of properties noted that Department of Revenue required approval has not yet been received and requested a continuation of the public hearing. Mr. Bennett moved to continue the public hearing to April 4, 2007. Ms. Stover seconded. So voted unanimously.

#### Town Administrator's Report

1. Status Report on Application of Sewer District Criteria for Article 42 of 2007 Annual Town Meeting Warrant. Ms. Gibson introduced the matter. Planning Director Andrew Vorce spoke on the finalized checklist, noting its development to date and the choice given to participants on whether or not to be part of the district. Terry Kelly of Hummock Pond Road spoke on the issue. Nancy Wheatley spoke on the benefit of and need for centralized wastewater treatment, adding that she believes the properties in question should be on Town sewer. Discussion followed. Marty McGowan spoke on working toward a healthy solution to the neighborhood needs with alternative septic systems. Mr. Vorce and Health Inspector Richard Ray shared additional information via a GIS map of area soils, wetlands and topography.

#### Selectmen's Report/Comment

1. Action on a Motion for Proposed Sewer Act (Article 60 of 2007 Annual Town Meeting Warrant). Mr. Kopko provided general information, noting a March 22, 2007 meeting of the Board and the Finance Committee, which concurred to endorse the wording of the motion. Mr. Kopko moved to support the motion. Mr. Bennett seconded.

Mr. Chadwick shared concerns about the Sewer Act, including new users paying for certain maintenance and potential passage, which he felt would effectively take away the right of the individual to bring to a town meeting a request to be added to a sewer district. Mr. Kopko made counter points. Town Counsel Paul DeRensis commented on engineering implications of potential district changes, the protection provided by the model stating a defined area, capacity and load and noting the potential danger of adding properties by "tinkering with this at town meetings." He stressed the point of sewer districts to be established in an orderly manner to protect the community and infrastructure. Discussion followed. Michael Glowacki shared comments, requested Finance Committee comment on the vote and suggested there is no shortcut for the town meeting process. He suggested transparency in government by providing text in advance and carry forward to a future town meeting. Ms. Wheatley spoke on the work of the Sewer

Advisory Committee and the potential process, adding that additional clarification is needed for the public about the Sewer Act. *Inquirer and Mirror* reporter Jason Graziadei made inquiries, some of which were addressed by Mr. DeRensis. Mr. Bennett moved to call the question. Mr. Chadwick seconded. So voted with Mr. Kopko, Mr. Bennett and Ms. Stover voting in favor. Mr. Chadwick and Chairman Willauer voted in opposition. On the motion, which would express support for the motion to Article 60, Mr. Bennett, Mr. Kopko, Ms. Stover and Chairman Willauer voted in favor. Mr. Chadwick voted in opposition.

Ms. Stover noted her appreciation of sitting on the Board and brought forward items for future consideration. Mr. Bennett moved to accept a gift of a memorial stone with a brass plaque from supportive citizens for the historically named "Colored Cemetery." Mr. Kopko seconded. So voted unanimously. Mr. Bennett shared his own thoughts on serving the Town and leaving the Board. Mr. Kopko moved to send letters of appreciation to Ms. Stover and Mr. Chadwick. Mr. Chadwick seconded. So voted unanimously.

At 9:00 PM, Chairman Willauer polled the Board and Mr. Bennett, Mr. Chadwick, Mr. Kopko, Ms. Stover and Chairman Willauer voted unanimously to adjourn to executive session, not to return to open session for the purpose of discussing a collective bargaining matter.

Approved the 19<sup>th</sup> day of April 2007.